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Attorney for Tammy Dobbs

**United States Bankruptcy Court**  
Northern District of Texas  
Fort Worth Division

IN RE:	§	
	§	
Tammy Renea Dobbs,	§	CASE NO. 17-40255-RFN-13
	§	CHAPTER 13
Debtor(s).	§	
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Tammy Renea Dobbs,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	ADVERSARY NO. 17-04109
	§	
Landmark Bank, N.A., and Isaac Bates,	§	
	§	
Defendants.	§	

**PLAINTIFF'S MOTION TO AMEND COMPLAINT**

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT (ADDRESS OF CLERK'S OFFICE) BEFORE CLOSE OF BUSINESS ON DECEMBER 17, 2018, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **Tammy Renea Dobbs**, Debtor and Plaintiff in the above-styled and numbered adversary case, and submits this her Motion to Amend Complaint, and would show

the following:

1. Plaintiff Tammy Dobbs filed her Original Complaint for Declaratory Judgment, Sanction and Injunctive Relief and Emergency Motion for Contempt and Injunctive Relief (Adv. Doc. 1) (“Complaint”) on August 31, 2017.
2. Defendants Landmark Bank, N.A., Honorable Tom Watt as Sheriff for Grayson County, Texas, Isaac Bates and Honorable Joe Brown, as District Attorney for Grayson County filed motions to dismiss various claims contained in the Complaint.
3. A hearing on the motions was heard on November 14, 2017.
4. The undersigned counsel for Tammy Dobbs substituted in as counsel for this adversary proceeding on January 17, 2018.
5. On May 15, 2018, an order was entered granting, in part, and denying, in part, the motions to dismiss (Adv. Doc. 21).

#### **Motion to Amend Complaint**

6. Tammy Dobbs files this motion for leave to amend her Complaint to include claims under 42 U.S.C. § 1983 for excessive force and malicious prosecution by Defendant Officer Bates.
7. The proposed amended complaint is attached as Exhibit 1.
8. Unless the opposing party can show prejudice, bad faith, or undue delay, a court should grant leave to file an amended pleading. *Foman v. Davis*, 371 U.S. 178, 182 (1962). Leave to amend should be freely given when justice so requires. Fed. R. Civ. P. 15(a), incorporated in this adversary proceeding by Fed. R. Bankr. P. 7015.
9. The Court should allow the amended pleading because the Defendants will not be prejudiced by the amendment. No trial is currently set for this matter. The filing of the amended

pleading would not prevent any of the Defendants from have a sufficient opportunity to respond.

No formal discovery has yet taken place in this matter.

10. The amended pleading is sought not for delay, but so that justice may be done.

FOR THESE REASONS, Defendants ask the Court to grant Plaintiff's Motion for Leave to File Amended Complaint; and for such other relief to which Plaintiff may be justly entitled.

Respectfully Submitted,

NORRED LAW, PLLC

/s/ Clayton L. Everett  
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ATTORNEY FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 26, 2018 a true and correct copy of the foregoing Motion to Amend Complaint has been served on the following parties in interest either electronically or by first class U.S. Mail in compliance with Federal and Local Rules of Bankruptcy Procedure:

*Via CM/ECF to Counsel for Landmark  
Bankr, N.A.:*

Jeffrey Seckel  
McGuire, Craddock & Strother, P.C.  
2501 N. Harwood, Suite 1800  
Dallas, Texas 75201

William Riley Nix William Riley Nix,  
P.C. 717 North Crockett Street  
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*Via CM/ECF to Counsel for Officer Bates:*

James C. Tidwell  
Wolfe, Tidwell & McCoy,  
LLP: 320 North Travis  
Street, Suite 205,  
Sherman, Texas 75090

/s/ Clayton L. Everett